

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EGYPTIAN NAVIGATION CO.,

Plaintiff,

- against -

BAKER INVESTMENTS CORPORATION and
BAKER INTERNATIONAL GROUP,

Defendants.
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ECF CASE

08 Civ. 02080 (SHS)

**AFFIRMATION OF PHILLIPOS GALLANIS IN OPPOSITION
TO MOTION FOR A STAY PENDING APPEAL**

PHILLIPOS GALLANIS, affirms and states the following under the penalties of perjury under the laws of the United States pursuant to 28 USC § 1746:

1. I am Director with Adora Investments Inc. ("Adora") and have personal knowledge of the matters stated herein. I make this Affirmation in opposition to the motion of Egyptian Navigation Co. ("ENC") for a stay pending appeal. For additional background information, I also refer to my initial Affirmation dated March 14th, 2008, submitted earlier in this matter.
2. I would like to comment further on the circumstances resulting in the Deed of Assignment between Adora and Baker Investments Corporation ("BIC") (see ¶ 5 of my initial Affirmation). The simple fact is that BIC had failed to pay off the entire loan given to BIC by Adora by the due date (see ¶ 3 of my initial Affirmation). Although requested by BIC, Adora did not extend the payment term of the loan.
3. Adora threatened to take legal action against BIC. In response to the threat to sue, BIC and Adora entered into the Deed of Assignment of the sub-freight under the sub-

charter of the M/V DJEBEL REFAA to Louis Dreyfus Commodities Suisse S.A. (see ¶ 5 of my initial Affirmation). In light of the Deed of Assignment, Adora did not sue BIC for the outstanding balance due on the loan.

4. The restraint by Citibank of the \$127,755.79 funds transfer being wired to Adora by Louis Dreyfus has caused Adora losses. If these funds had been received by Adora, as they should have but for the attachment by Citibank, Adora would have been able to earn interest between 20% to 25% *per annum* on investments similar to those transactions entered into with BIC. Therefore, so long as the funds are restrained by Citibank, Adora will lose approximately \$2,661.58 per month or \$31,938.95 per year in investment income. For this reason, in the event the Court grants the stay pending appeal, Adora requests the Court to order ENC to provide a bond to cover Adora's losses and legal costs which Adora has been forced to incur and continue to incur.

The foregoing is true and correct to the best of my knowledge under the penalty of perjury under the laws of the United States.

Executed on: May 20th 2008



Phillipos Gallanis